

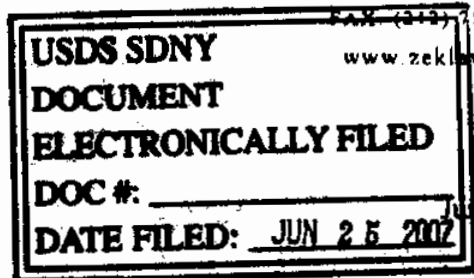
## ZEICHNER ELLMAN &amp; KRAUSE LLP

575 LEXINGTON AVENUE  
NEW YORK, NEW YORK 10022  
(212) 223-0400

FAX (212) 253-0396

www.zeklaw.com

STUART A. KRAUSE  
(212) 826-5305  
skrause@zeklaw.com



35 MASON STREET  
GREENWICH, CT 06830  
(203) 622-0900  
FAX (203) 862-9889

103 EISENHOWER PARKWAY  
ROSELAND, NJ 07068  
(973) 618-9100  
FAX (973) 364-9960

BY FACSIMILE

The Honorable Paul A. Crotty  
United States District Court Judge  
United States Courthouse  
500 Pearl Street, Room 735  
New York, New York 10007

Facsimile No.: (212) 805-6304

Toyota Tsusho America, Inc., Appellants v. Dana Corporation, Appellee,  
Case No. 07-4837

*June 25, 2007*  
**Application GRANTED** *Shure*  
**SO Ordered**

*Paul Herty*  
*USDS*

Dear Judge Crotty:

This firm is counsel to Toyota Tsusho America, Inc. ("TAI") in the above-captioned appeal of a Bankruptcy Court order. We submit this letter on behalf of TAI in compliance with Sections 1.A and 1.E of Your Honor's Individual Practices and request that it serve as an application to extend the time for TAI to file its appellant brief in the current proceeding, until resolution is reached upon the appellee Dana Corporation's ("Dana") applications to reassign bankruptcy appeals from the Honorable Victor Marrero and the Honorable Barbara Jones to Your Honor as related matters to the current proceeding.

The current proceeding is an appeal of the Honorable Burton R. Lifland, United States Bankruptcy Judge's April 25, 2007 Order Valuing Reclamation Claims Filed in the Debtors Chapter 11 Cases at Zero (the "Order"). On June 7, 2007, TAI's notice of appeal from the Bankruptcy Court to the Southern District of New York was filed with this Court and the current proceeding was commenced. This Court's docket states that TAI's appellate brief was due on June 25, 2007.

On June 20, 2007, we received letters from Dana's counsel to the Honorable Victor Marrero and the Honorable Barbara Jones (attached), which request that Judge Marrero and Judge Jones reassign several proceedings that appeal the same Order from the Bankruptcy Court to Your Honor. TAI is not opposing Dana's applications. In

MEMO ENDORSED

**ZEICHNER ELLMAN & KRAUSE LLP**

The Honorable Paul A. Crotty  
United States District Court Judge  
June 22, 2007  
Page 2

addition, we received letters from counsel to appellants Timken Company, Timken U.S. Corp., Toyotetsu America, Inc. and Toyotetsu Mid America, LLC, which also have no objection to Dana's applications if all the appeals of the Order are transferred to Your Honor.

As these applications are still pending, we request that this Court extend the time for TAI to file its appellate brief until after Dana's current applications are resolved so that a consolidated briefing schedule may be set forth for all appellants. This is the first time that TAI has requested an extension of time in the above-captioned proceeding. Moreover, we have spoken with Dana's counsel and counsel to the above-referenced appellants, which have consented to such an extension and agree that a consolidated briefing schedule for appeals of the Order are in the best interests of all parties.

Respectfully submitted,



Stuart A. Krause

SAK:cla  
Attachment

cc: James M. Sullivan, Esq. (by facsimile w/attachment)  
Mark T. Power, Esq. (by facsimile w/attachment)  
Benjamin D. Feder, Esq. (by facsimile w/attachment)  
Robert Beau Leonard, Esq. (by facsimile w/attachment)  
Robert J. Feinstein, Esq. (by facsimile w/attachment)

JUN.20'2007 11:35

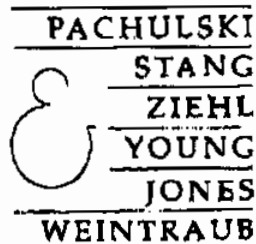
Case 1:07-cv-04837-PAC

Document 3

Filed 06/25/2007

Page 3 of 9

#5149 P.002/005



## LAW OFFICES

LIMITED LIABILITY PARTNERSHIP

NEW YORK, NY  
LOS ANGELES, CA  
SAN FRANCISCO, CA  
WILMINGTON, DE

780 THIRD AVENUE

26th FLOOR

NEW YORK

NEW YORK 10017-2024

TELEPHONE 212/561 7700

FACSIMILE 212/561 7777

LOS ANGELES

10100 SANTA MONICA BLVD.

11th FLOOR

LOS ANGELES

CALIFORNIA 90087-4100

TELEPHONE 310/277 6910

FACSIMILE 310/201 0760

SAN FRANCISCO

130 CALIFORNIA STREET

18th FLOOR

SAN FRANCISCO

CALIFORNIA 94111-4800

TELEPHONE 415/263 7800

FACSIMILE 415/263 7010

DELAWARE

919 NORTH MARKET STREET

17th FLOOR

P.O. BOX 8945

WILMINGTON

DELAWARE 19809-8705

(Comer. Zip Code 19801)

TELEPHONE 302/453 4100

FACSIMILE 302/682 4600

www.pczyjw.com

Robert J. Feinstein

June 20, 2007

feinstein@pczyjw.com

212-561-7710

**BY HAND**

The Honorable Barbara S. Jones  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Room 620  
New York, New York 10007

**Re: Parker-Hannifin Corporation, Appellant v.  
Dana Corporation, Appellee, Case No. 07-5660**

Dear Judge Jones:

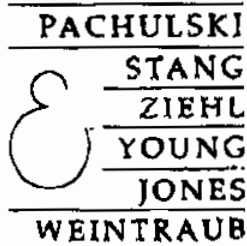
This firm is counsel to appellee Dana Corporation ("Dana") in the above-captioned appeal of a Bankruptcy Court order. We submit this letter on behalf of Dana in compliance with Section 1.A of Your Honor's Individual Practices and request that it serve as an application, on notice to opposing counsel, pursuant to Rule 15 of the Southern District of New York's Rules for the Division of Business Among District Judges (the "Rules for Division"), to transfer the above-captioned bankruptcy appeal, which was assigned to Your Honor on June 14, 2007, to the Honorable Kevin Crotty, to whom, on June 7, 2007, an appeal of the same order by another party was assigned. The appeal currently pending before Judge Crotty is captioned Toyota Tsusho America, Inc., Appellant v. Dana Corporation, et al., Appellee, Case No. 07-4837.

**Background**

On April 25, 2007, the Honorable Burton R. Lifland, United States Bankruptcy Judge, entered an Order Valuing Reclamation Claims Filed in the Debtors Chapter 11 Cases at Zero (the "Order"). Thereafter, Notices of Appeal of the Order were filed on behalf of the following entities:

- Toyota Tsusho America Inc. ("TAF");

DOCS\_NY:12742.1



LAW OFFICES  
LIMITED LIABILITY PARTNERSHIP

The Honorable Barbara S. Jones  
June 20, 2007  
Page 2

- Hydro Aluminum Precision Tubing North America, LLC ("Hydro Aluminum");
- Emhart Teknologies, Inc. ("Emhart");
- Parker-Hannifin Corporation ("Parker-Hannifin");
- The Timken Corporation, Toyotetsu America, Inc. and Toyotetsu Mid America LLC (collectively, "Timken and Toyotetsu"); and
- Berlin Metals LLC ("Berlin Metals").

As noted above, the TAI appeal has already been docketed and assigned to Judge Crotty. The Civil Cover Sheet for the Hydro Aluminum (Case No. 07-5460) appeal and the Emhart (Case No. 07-

JUN 20 2007 11:35

PSZY4J NY

#5149 P.004/005

and as of this date, the Berlin Metals appeal remains undocketed.

**The Instant Appeal Is Related To  
the TAI Appeal Pending Before Judge Crotty**

Rule 15(c) of the Rules for Division provides that "[a]ny party believing the case to be related may apply on notice in writing to the judge assigned in its case for transfer to the judge having the related case with the lowest docket number." Rule 15(a) provides the criteria to be used to determine relatedness:

[A] civil case will be deemed related to one or more other civil cases and will be transferred for consolidation or coordinated pretrial proceedings when the interests of justice and efficiency

---

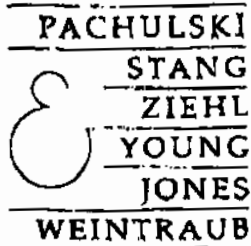
<sup>1</sup> Simultaneously with the submission of this letter, we are submitting a similar letter to Judge Marrero seeking the transfer of the Timken and Toyotetsu appeal to Judge Crotty as well.

DOCS\_NY:12742.1

JUN 20 2007 11:35

PSZYK NY

#5149 P.005/005

LAW OFFICES  
LIMITED LIABILITY PARTNERSHIP

The Honorable Barbara S. Jones  
June 20, 2007  
Page 3

will be served. In determining relatedness, a judge will consider whether (i) a substantial saving of judicial resources would result; or (ii) the just efficient and economical conduct of the litigations would be advanced; or (iii) the convenience of the parties or the witnesses would be served.

Here, several appeals of the identical Order of the Bankruptcy Court have been assigned to different District Court Judges. The interests of justice and efficiency will clearly be served if all of the appeals of the Order are assigned to the same judge. This will conserve judicial resources, relieve the Court of conducting duplicative proceedings and will allow for uniform decisions. For all the foregoing reasons, we respectfully request that the above captioned appeal be transferred to Judge Crotty.

Respectfully submitted,



Robert J. Feinstein

cc (all by telecopier):

Benjamin D. Feder, Esq., Counsel for Appellant Parker-Hannifin

Stuart A. Krause, Esq., Counsel for TAI

Mark T. Power, Esq., Counsel for Hydro Aluminum and Emhart

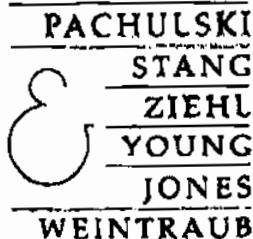
James M. Sullivan, Esq., Counsel for Timken and Toyotetsu

Robert Beau Leonard, Esq. Counsel for Berlin Metals

JUN 20 2007 12:00

PSZYJ NY

#5157 P.002/004



## LAW OFFICES

LIMITED LIABILITY PARTNERSHIP  
NEW YORK, NY  
LOS ANGELES, CA  
SAN FRANCISCO, CA  
WILMINGTON, DE

780 THIRD AVENUE

36th FLOOR

NEW YORK

NEW YORK 10017-2024

TELEPHONE: 212/561 7700

FACSIMILE: 212/561 7777

## LOS ANGELES

10100 SANTA MONICA BLVD.

11th FLOOR

LOS ANGELES

CALIFORNIA 90067-4100

TELEPHONE: 310/377 8810

FACSIMILE: 310/201 0760

## SAN FRANCISCO

150 CALIFORNIA STREET

18th FLOOR

SAN FRANCISCO

CALIFORNIA 94111-4500

TELEPHONE: 415/263 7000

FACSIMILE: 415/263 7010

## DELAWARE

919 NORTH MARKET STREET

17th FLOOR

P.O. BOX 8716

WILMINGTON

DELAWARE 19899-8700

(County Zip Code 19801)

TELEPHONE: 302/652 4100

FACSIMILE: 302/652 4400

WEB: www.pszjw.com

Robert J. Feinstein

June 20, 2007

rfeinstein@pszjw.com  
212-561-7710**BY HAND**

The Honorable Victor Marrero  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Suite 600  
New York, New York 10007

Re: The Timken Company, et al., Appellants v.  
Dana Corporation, Appellee. Case No. 07-5659

Dear Judge Marrero:

This firm is counsel to appellee Dana Corporation ("Dana") in the above-captioned appeal of a Bankruptcy Court order. We submit this letter on behalf of Dana in compliance with Section I.A of Your Honor's Individual Practices and request that it serve as an application, on notice to opposing counsel, pursuant to Rule 15 of the Southern District of New York's Rules for the Division of Business Among District Judges (the "Rules for Division"), to transfer the above-captioned bankruptcy appeal, which was assigned to Your Honor on June 14, 2007, to the Honorable Kevin Crotty, to whom, on June 7, 2007, an appeal of the same order by another party was assigned. The appeal currently pending before Judge Crotty is captioned Toyota Tsusho America, Inc., Appellant v. Dana Corporation, et al., Appellee, Case No. 07-4837.

**Background**

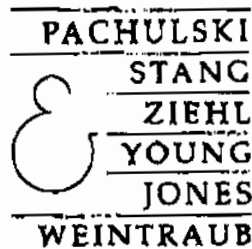
On April 25, 2007, the Honorable Burton R. Lifland, United States Bankruptcy Judge, entered an Order Valuing Reclamation Claims Filed in the Debtors Chapter 11 Cases at Zero (the "Order"). Thereafter, Notices of Appeal of the Order were filed on behalf of the following entities:

- Toyota Tsusho America Inc. ("TAF");

DOCS\_NY:12727.1

JUN 20 2007 12:00

#5157 P.003/004



LAW OFFICES  
LIMITED LIABILITY PARTNERSHIP

The Honorable Victor Marrero  
June 20, 2007  
Page 2

- Hydro Aluminum Precision Tubing North America, LLC ("Hydro Aluminum");
- Emhart Teknologies, Inc. ("Emhart");
- Parker-Hannifin Corporation ("Parker-Hannifin");
- The Timken Corporation, Toyotetsu America, Inc. and Toyotetsu Mid America LLC (collectively, "Timken and Toyotetsu"); and
- Berlin Metals LLC ("Berlin Metals").

As noted above, the TAI appeal has already been docketed and assigned to Judge Crotty. The Civil Cover Sheet for the Hydro Aluminum (Case No. 07-5460) appeal and the Emhart (Case No. 07-5461) appeal each identified those respective actions as related to the TAI appeal pending before Judge Crotty. Those actions have both been referred to Judge Crotty as "possibly related," and his determination of relatedness is pending. The Parker Hannifin appeal (Case No. 07-5660) was assigned to Judge Barbara Jones,<sup>1</sup> and as of this date, the Berlin Metals appeal remains undocketed.

**The Instant Appeal Is Related To  
the TAI Appeal Pending Before Judge Crotty**

Rule 15(c) of the Rules for Division provides that "[a]ny party believing the case to be related may apply on notice in writing to the judge assigned in its case for transfer to the judge having the related case with the lowest docket number." Rule 15(a) provides the criteria to be used to determine relatedness:

[A] civil case will be deemed related to one or more other civil cases and will be transferred for consolidation or coordinated pretrial proceedings when the interests of justice and efficiency

<sup>1</sup> Simultaneously with the submission of this letter, we are submitting a similar letter to Judge Jones seeking the transfer of the Parker-Hannifin appeal to Judge Crotty as well.

JUN 20 2007 12:01

Case 1:07-cv-04837-PAC

Document 3

Filed 06/25/2007

Page 9 of 9

#5157 P.004/004

PACHULSKI  
STANG  
ZIEHL  
YOUNG  
JONES  
WEINTRAUB

LAW OFFICES  
LIMITED LIABILITY PARTNERSHIP

The Honorable Victor Marrero  
June 20, 2007  
Page 3

will be served. In determining relatedness, a judge will consider whether (i) a substantial saving of judicial resources would result; or (ii) the just efficient and economical conduct of the litigations would be advanced; or (iii) the convenience of the parties or the witnesses would be served.

Here, several appeals of the identical Order of the Bankruptcy Court have been assigned to different District Court Judges. The interests of justice and efficiency will clearly be served if all of the appeals of the Order are assigned to the same judge. This will conserve judicial resources, relieve the Court of conducting duplicative proceedings and will allow for uniform decisions. For all the foregoing reasons, we respectfully request that the above captioned appeal be transferred to Judge Crotty.

Respectfully submitted,

Robert J. Feinstein

cc (all by telecopier):

James M. Sullivan, Esq., Counsel for Appellants Timken and Toyotetsu  
Stuart A. Krause, Esq., Counsel for TAI  
Mark T. Power, Esq., Counsel for Hydro Aluminum and Emhart  
Benjamin D. Feder, Esq., Counsel for Parker-Hannifin  
Robert Beau Leonard, Esq. Counsel for Berlin Metals